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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10750402	12/31/2003	VAN GOMPEL ET AL.	19,577

EXAMINER

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ART UNIT	PAPER
3761	20080324

DATE MAILED:

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Please find attached revision of items as noted by the Appeal Center.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/750,402
Filing Date: December 31, 2003
Appellant(s): VAN GOMPEL ET AL.

David J Arteman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 18 October 2007 appealing from the Office action mailed 22 May 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows:

Ground 2: In view of the Terminal Disclaimer filed on June 14, 2007 and approved on June 22, 2007, the provisional rejection of claims 34, 38-39, 43-45, and 48-51, under the judicially created doctrine of obvious-type double patenting over claims 1-45 of copending Application No. 10/749,761, is withdrawn by the examiner.

WITHDRAWN REJECTIONS